

Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Katy Allen

SUBJECT: PIERCY ROAD VACATION

DATE: 04-27-05

Approved 

Date 5/5/05

COUNCIL DISTRICT: 2

RECOMMENDATION

Adoption of a resolution of intention to vacate a portion of Piercy Road immediately south of Silver Creek Valley Road, reserving an emergency access easement, a storm drain easement, a roadway easement, an aerial easement and a rip-rap easement, and setting a public hearing on June 7, 2005 at 1:30 p.m.

CEQA: EIR, Resolution No. 70021.

BACKGROUND

Nolte Engineering on behalf of McCandless Development, the adjacent property developer, has submitted an application for the vacation of Piercy Road immediately south of Silver Creek Valley Road. This vacation is required to fulfill development conditions of Planned Development Zoning PDC 98-06-063 to allow a 227,878 square foot hotel, restaurant, and retail center on 9.85 acres. In addition, this project requires alteration of existing public street access to the site. This revised access requires construction of a new public street and bridge over Coyote Creek.

ANALYSIS

Staff has determined that this portion of Piercy Road is not needed for public street purposes. The adjacent mixed-use project is constructing a new access at this location that will adequately replace old Piercy Road. All concerned utility companies have consented to this street vacation. However, there are existing facilities that require the reservation of a storm drain easement (SDE) and an emergency access easement (EAE), a rip rap easement, a roadway easement, and an aerial easement over portions of the areas to be vacated.

Title reports issued by Chicago Title Guaranty Company indicate that the City holds fee title to Parcel 1 of the portion of Piercy Road to be vacated. The developer and City staff have agreed that size and configuration of Parcel 1 renders it undevelopable, except as joined to the

developer's adjacent property, which significantly limits its market value. Therefore, upon vacation, the City will deed fee title for Parcel 1 to the developer, Coyote Creek Business Park, a California Limited Partnership in return for consideration for an easement deeded to the City by the developer for the new roadway. Upon vacation and recordation, Parcel 1 will become unencumbered, with the exception of an SDE and an EAE. Staff will then prepare the grant deed, transferring fee title to the developer.

Additionally, the same aforementioned title reports indicate that the County of Santa Clara holds fee title to Parcel 2 and Parcel 3 of the portion of Piercy Road to be vacated. Upon vacation and recordation Parcel 2 will become unencumbered, with the exception of a rip rap easement, a roadway easement, and an aerial easement, will revert to the County of Santa Clara, and no further action by staff would be required. Upon vacation and recordation Parcel 3 will become unencumbered and no further action by staff would be required.

The actions required for the vacation of the subject right-of-way are:

May 17, 2005 at 1:30 p.m.: Council considers the adoption of a resolution of intention which:

1. Declares its intention to vacate the subject portion of Piercy Road immediately east of Silver Creek Valley Road, reserving a storm drain easement (SDE) and an emergency access easement (EAE) over portions of Parcel 1;
2. Sets a public hearing on June 7, 2005 at 1:30 p.m.;
3. Directs the City Clerk to file the vacation map and advertise said public hearing; and
4. Directs the Director of Public Works to post the site with a Notice of Public Hearing.

June 7, 2005 at 1:30 p.m.: Council conducts a public hearing and considers a resolution of vacation, which vacates the subject portion of Piercy Road immediately south of Silver Creek Valley Road, reserving a storm drain easement (SDE) and an emergency access easement (EAE).

OUTCOME

The Council declares its intention to vacate a portion of Piercy Road, which allows staff to proceed to prepare for a public hearing on the subject vacation.

PUBLIC OUTREACH

A public hearing was held by the Planning Commission and the vacation was approved on February 28, 2001. In addition, all concerned utility companies have been contacted in writing and have no objection to this vacation on the condition that a SDE and EAE are reserved.

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COORDINATION

This vacation has been coordinated with the City Attorney's Office, the Planning, Building and Code Enforcement Department, the Department of General Services, the City Manager's Budget Office and the County of Santa Clara.


COST IMPLICATIONS

Staff time and resources dedicated to this effort are being reimbursed by developer fees. In addition, any new maintenance costs associated with the relocated Piercy Road would be offset by the elimination of the old section of Piercy Road, which is the area subject to this vacation process.

CEQA

EIR (Resolution No. 70021)

TB:AT:jw
Attachment
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KATY ALLEN

Director, Public Works Department

LOCATION MAP

SHOWING THE VACATION OF A PORTION OF PIERCY ROAD ON LOTS 1, 2 AND 3.

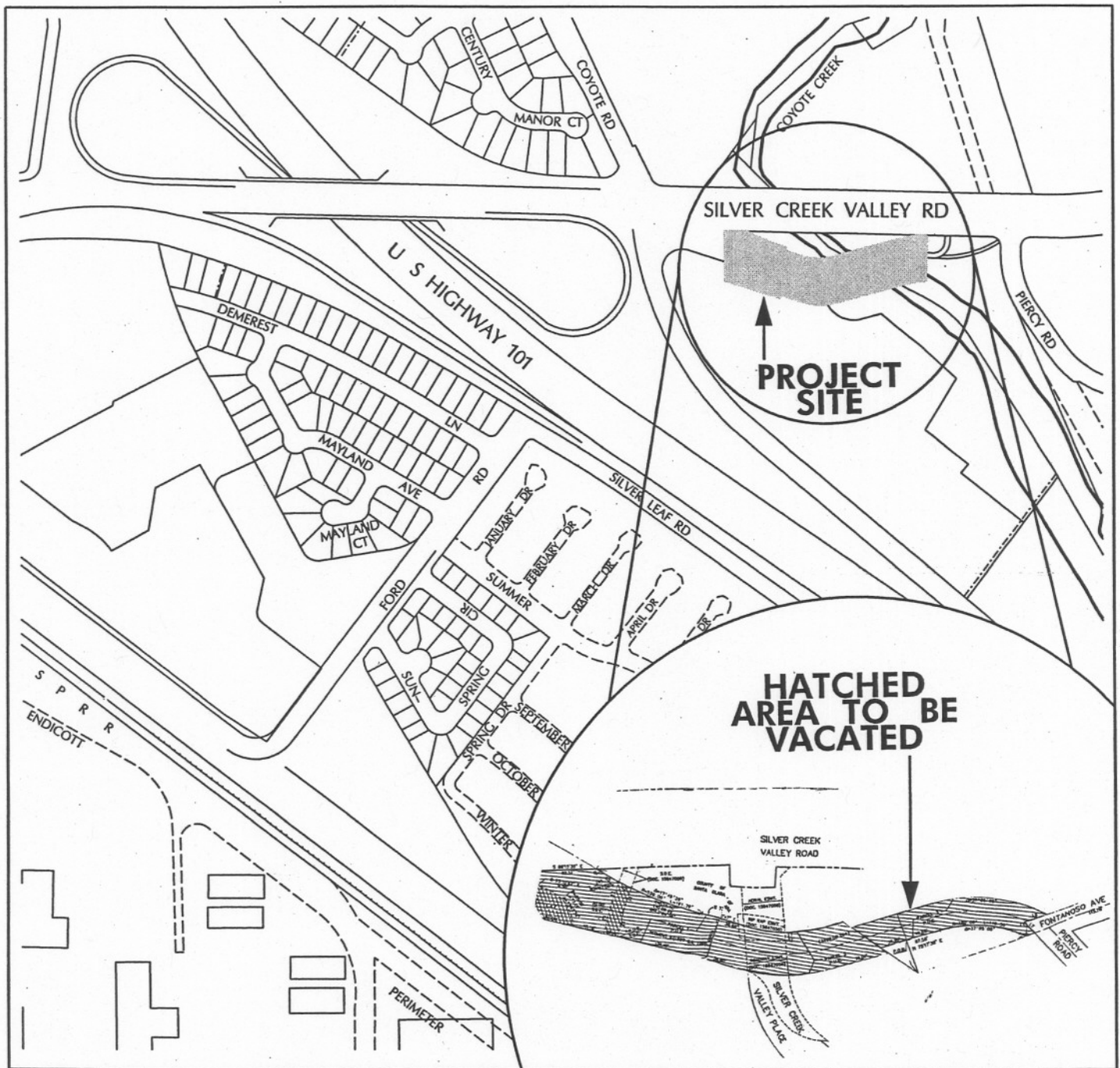


EXHIBIT A

